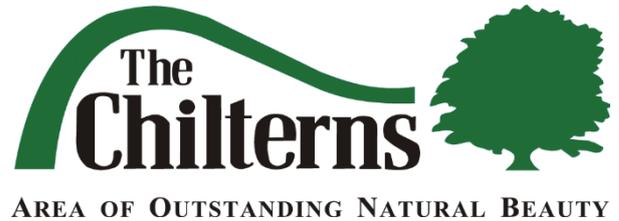


**The Chilterns
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Chilterns AONB in Wycombe District – view from Coombe Hill

Photo: Richard Gillin

**Statement from the Chilterns Conservation Board
Wycombe Local Plan Examination 2018**

MATTER 5 – NATURAL, BUILT & HISTORIC ENVIRONMENT

28th June 2018

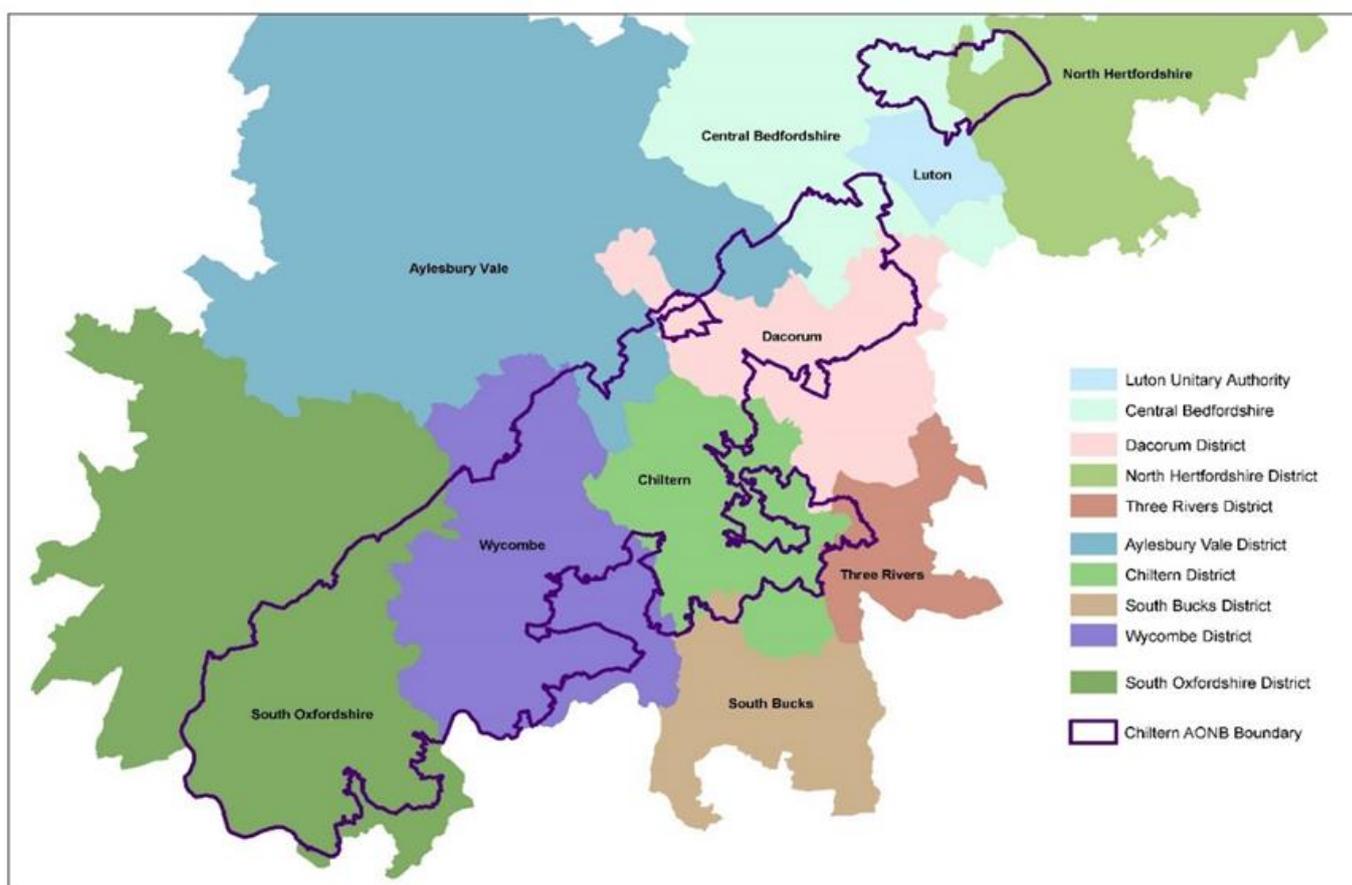
Examination statement from the Chilterns Conservation Board

Introduction

1. The Chilterns Conservation Board is grateful for the opportunity to participate at the Wycombe Local Plan examination.
2. The Chilterns Conservation Board (CCB) is a statutory body established in 2004 under the provisions of the Countryside and Rights of Way Act 2000 to promote the conservation and enhancement of the Chilterns Area of Outstanding Natural Beauty (AONB) and increase the understanding and enjoyment by the public of the special qualities of the AONB. Further information about the Board and our role is set out in Appendix 1.
3. An Area of Outstanding Natural Beauty is an outstanding landscape whose distinctive character and natural beauty are so precious that it is in the nation's interest to safeguard them. The Chilterns AONB was designated in 1965. Its special qualities include the steep chalk escarpment with areas of flower-rich downland, woodlands, commons, tranquil valleys, the network of ancient routes, villages with their brick and flint houses, chalk streams and a rich historic environment of hillforts and chalk figures.
4. Our representation addresses Inspector's questions 1(e) and (i) of Matter 5:
Issue: Does the Plan provide a framework for the management of the Natural, Built and Historic Environment that is soundly based, justified and consistent with the requirements of national policy?
 1. Have the following policies been positively prepared and are they justified, effective and consistent with national policy?
e) Policy DM30 (The Chilterns Area of Outstanding Natural Beauty);
i) Policy DM34 (Delivering green infrastructure and biodiversity in development)
5. The Chilterns Conservation Board seeks amendments to address deficiencies in these policies.

(e) Policy DM30 The Chilterns Area of Outstanding Natural Beauty

6. National policy in the NPPF is clear that “Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty” (para 115). Note that the status of AONBs in planning is the ‘highest’ and protection should be equal to that given to National Parks. The governance structures are not the same, a National Park would have a park-wide local plan prepared by the National Park Authority. In the absence of a park-wide local plan, it is important that the local planning authorities covering the Chilterns AONB work together to deliver protection that is the highest and as good as a National Park local plan.
7. There are 13 local authorities covering the Chilterns AONB (3 counties, 2 unitaries, 7 districts, 1 borough):



Local Planning Authorities and the Chilterns AONB

8. We consider that Wycombe’s draft AONB policy has deteriorated since the draft plan version (June 2016). It is not consistent with national policy because it:
 - Does not give great weight to AONB (NPPF para 115)
 - Does not mention the second test for major development: the public interest test (NPPF para 116)

- Turns the clear instruction in the NPPF that major development in the AONB ‘should be refused’ into a positively worded ‘will only be permitted...’
- Now contains the caveat “where possible” in relation to enhancing the natural beauty of the AONB. This not what the CRoW Act 2000 section 85 says, it is “conserve and enhance”, not “conserve and where possible enhance”
- Weakens the status of the AONB setting by adding “not a significant adverse impact on the natural beauty of the AONB”. Again neither the legislation, the NPPF nor the NPPG restrict concern about proposals in the setting of the AONB only to those which are “significantly adverse”. The NPPG¹ explains that even a proposal which only “might have” an impact on the setting of an AONB triggers the statutory duty of regard under the CRoW Act Section 85.
- Fails to benefit from the joint cooperative work by the Chilterns AONB Planning Forum to create a model policy for the Chilterns AONB.

9. The AONB policy does not fulfil NPPF policy towards the AONB nor statutory requirements. The Chilterns Conservation Board recommends replacing it with the Model Policy for the AONB developed jointly by policy officers from across the Chilterns AONB. Wycombe is the second largest local authority in the Chilterns AONB, covering 27.6% of the AONB, so Wycombe not taking up the model policy is a significant problem. It thwarts our aim of achieving a consistent planning policy across the 13 authorities of the AONB to ensure all planning decisions conserve and enhance the AONB and reflect its special qualities.

10. To give some background, one of the outcomes of a meeting of Buckinghamshire policy planners in January 2016 was a request to the Chilterns Conservation Board to propose a model AONB policy, drawing on good practice and experience locally and from others AONBs across the country. The Board recommends that this model policy, finalised following discussion at CCB’s Planning Forum in June 2016 and adopted at a meeting of the Full Board, should be incorporated in all the emerging Local Plans that cover the Chilterns AONB or its setting. This would provide consistency, save officer time, and represent a positive example of the local authorities working together to safeguard the future of a shared nationally protected landscape area.

11. There was general support at the Chilterns AONB Planning Forum in June 2016 for a set of principles for what to include in an AONB planning policy, which could act as a checklist. The principles are:

¹ <https://www.gov.uk/guidance/natural-environment> Paragraph: 003 Reference ID: 8-003-20140306: “This duty is particularly important to the delivery of the statutory purposes of protected areas. The duty applies to all local planning authorities, not just national park authorities. The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.”

Principles for what to include in AONB policy

To achieve strong compliance with the purpose of the AONB, national planning policy and AONB management plan objectives, a local plan should cover:

1. Weight given to AONB
2. Conserving and enhancing
3. Setting
4. Tranquillity and remoteness
5. Cumulative impacts
6. *AONB Management Plan**
7. *AONB supporting guidance eg Design Guide**
8. *Local descriptive material e.g. special qualities of Chilterns**

*Some LPAs may prefer to cover the final three in the supporting text to the policy

12. Wycombe local plan policy DM30 fails nos 1, 2, 4 and 5 and makes a hash of 3.

13. The principles are met in the Model Policy and the associated supported text. The Chilterns Conservation Board recommends replacing DM30 with the Chilterns AONB model policy, reproduced below:

Model Local Plan policy and supporting text

Policy x The Chilterns Area of Outstanding Natural Beauty

Permission for major developments in the Chilterns Area of Outstanding Natural Beauty will be refused unless exceptional circumstances prevail as defined by national planning policy. Planning permission for any proposal within the AONB, or affecting the setting of the AONB, will only be granted when it:

- a. conserves and enhances the Chilterns AONB's special qualities, distinctive character, tranquillity and remoteness in accordance with national planning policy and the overall purpose of the AONB designation;**
- b. is appropriate to the economic, social and environmental wellbeing of the area or is desirable for its understanding and enjoyment;**
- c. meets the aims of the statutory Chilterns AONB Management Plan, making practical and financial contributions towards management plan delivery as appropriate;**
- d. complies with the Chilterns Building Design Guide and technical notes by being of high quality design which respects the natural beauty of the Chilterns, its traditional built character and reinforces the sense of place and local character; and**
- e. avoids adverse impacts from individual proposals (including their cumulative effects), unless these can be satisfactorily mitigated.**

Model local plan supporting text

1. Areas of Outstanding Natural Beauty (AONBs) are designated by the Government for the purpose of ensuring that the special qualities of the finest landscapes in England and Wales are conserved and enhanced. In policy terms they have the same planning status as National Parks². The Chilterns AONB was designated in 1965 and extended in 1990. The Countryside and Rights of Way Act 2000 places a statutory duty on local authorities to have regard to the purpose of conserving and enhancing the natural beauty of AONBs when coming to decisions or carrying out their activities relating to, or affecting, land within these areas³.
2. The Chilterns AONB covers 13 local authorities and the Councils work together to safeguard the future of this shared nationally protected area through the Chilterns Conservation Board.

² [NPPF paragraph 115](#) "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads."

³ [Countryside and Rights of Way Act 2000 Section 85](#)

The Board prepares a statutory AONB Management Plan which *may be / has been endorsed as a material consideration in planning decisions*⁴. *(delete as appropriate)*

3. The AONB is a nationally designated landscape and as such permission for major developments will be refused unless exceptional circumstances prevail as defined by national planning policy⁵. National guidance explains that whether a proposal constitutes major development is a matter for the relevant decision taker, taking into account the proposal in question and the local context⁶. For the purposes of this plan, ‘major development’ will not be restricted to the definition of major development in the Town and County Planning (Development Management Procedure)(England) Order 2015 or to proposals that raise issues of national significance, and will include consideration of whether a proposal has the potential to have a serious adverse impact on the AONB.
4. *Add locally specific paragraph on AONB extent and special qualities and characteristics within each district. For example, for South Oxfordshire: The Chilterns Hills and the North Wessex Downs are part of a broad belt of chalk upland running across England in an arc from Dorset to Yorkshire. The Goring Gap, where the River Thames carves through the chalk escarpment, forms the boundary between the two AONBs in South Oxfordshire. Although both areas are chalk upland, their character differs: the Chilterns AONB is a generally more enclosed and wooded landscape that the broader more open uplands of the North Wessex Downs. The Chilterns escarpment in South Oxfordshire is particularly impressive, and the beech woods are justifiably famous.*
5. In determining compliance with criterion a, actions to conserve and enhance the AONB shall be informed by landscape assessment, having considered any relevant landscape character assessments and landscape and visual impact assessments and shall focus upon:
 - i. the Chilterns AONB’s special qualities which include the steep chalk escarpment with areas of flower-rich downland, broadleaved woodlands (especially beech), commons, tranquil valleys, the network of ancient routes, villages with their brick and flint houses, chalk streams and a rich historic environment of hillforts and chalk figures;
 - ii. the scope for enhancing and restoring those parts of the landscape which are previously developed, degraded or subject to existing intrusive developments, utilities or infrastructure;
 - iii. locally distinctive patterns and species composition of natural features such as chalk downland, trees, hedgerows, woodland, field boundaries, rivers and chalk streams;

⁴ See the Government’s [Planning Practice Guidance 8-004-20140306](#) Paragraph 004 (PLUS add date of endorsement for LPAs which have taken through Cabinets)

⁵ [NPPF paragraph 116](#) “Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

⁶ [Planning Practice Guidance 8-004-20140306](#) Paragraph 005

- iv. the locally distinctive character of settlements and their landscape settings, including the transition between man-made and natural landscapes at the edge of settlements;
 - v. visually sensitive skylines, geological and topographical features;
 - vi. landscapes of cultural, historic and heritage value;
 - vii. important views and visual amenity, including key views from the steep north-west facing chalk escarpment overlooking the low clay vale, and foreground views back to the AONB; and
 - viii. Tranquillity, dark skies and remoteness and the need to avoid intrusion from light pollution, noise, and motion.
6. Development proposals which lie outside the AONB but within its setting can also have impacts on it. The Council's duty of regard applies to development outside but which would affect land in an AONB⁷. For example, views out of the AONB from key visitor viewpoints into surrounding areas can be very significant. Although it does not have a defined geographical boundary, the setting of the Chilterns AONB is the area within which development and land management proposals, by virtue of their nature, size, scale, siting, materials or design could be considered to have an impact, either positive or negative, on the natural beauty and special qualities of the Chilterns AONB. Advice on development in the setting of the AONB is contained within guidance produced by the Chilterns Conservation Board⁸.

⁷ [Countryside and Rights of Way Act 2000 Section 85](#) : in relation to, or so as to affect, land in an area of outstanding natural beauty”

⁸ Chilterns Conservation Board [Position Statement on Development affecting the setting of the Chilterns AONB](#)

(i) Policy DM34 Delivering Green Infrastructure and Biodiversity in Development

13. The policy currently fails to require a net gain in biodiversity (NPPF para 109), refer to biodiversity accounting, or require the monitoring of GI to ensure delivery is effective. This is a fast moving area of policy, the DEFRA 25 Year Environment Plan (Jan 2018) is a gamechanger in setting out that all development should deliver an environmental net gain (which is actually even wider than a biodiversity net gain).
14. The current policy muddles together green infrastructure and biodiversity. It does not provide the hierarchy required by NPPF para 113: “distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status”.
15. Considerable joint work has been undertaken led by the Bucks & Milton Keynes NEP on GI and Biodiversity accounting, and it is unclear why the policy is not implementing that joint work. The Chilterns Conservation Board recommend that Policy DM34 is replaced with the wording agreed between WDC and the NEP to: require biodiversity net gain, biodiversity accounting, and the monitoring of GI to ensure delivery is effective. It should also provide the hierarchy required by NPPF para 113 so that distinctions are made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status.

Conclusion

16. The proposed policy DM30 does not provide an adequate framework for conservation and enhancement of the AONB when undertaking planning and development.
17. Proposed policy DM34 does not require biodiversity net gain or capitalise on joint work.
18. For both policies, replacing the text with agreed wording which has been the output of Bucks wide/ AONB wide collaborative work would address inconsistency of the policies with the NPPF and deliver co-operation on larger than local issues.
19. The Chilterns Conservation Board is grateful for the opportunity to make these representations at the Examination.



The Chilterns Area of Outstanding Natural Beauty

The Chilterns AONB was designated in 1965 for the natural beauty of its landscape and its natural and cultural heritage. In particular, it was designated to protect its special qualities which include the steep chalk escarpment with areas of flower-rich downland, woodlands, commons, tranquil valleys, the network of ancient routes, villages with their brick and flint houses, chalk streams and a rich historic environment of hillforts and chalk figures.

Chilterns Conservation Board

The Chilterns Conservation Board is a statutory independent corporate body set up by Parliamentary Order in 2004 under the provisions of Section 86 of the Countryside and Rights of Way (CRoW) Act 2000.

The Board has two statutory purposes under section 87 of the CRoW Act:

- a) To conserve and enhance the natural beauty of the AONB; and
- b) To increase the understanding and enjoyment by the public of the special qualities of the AONB.

In fulfilling these roles, if it appears that there is a conflict between those purposes, Conservation Boards are to attach greater weight to (a). The Board also has a duty to seek to foster the economic and social well-being of local communities within the AONB.

Like all public bodies, including ministers of the Crown, local authorities and parish councils, the Chilterns Conservation Board is subject to Section 85 of the CRoW Act which states under "General duty of public bodies etc"

“(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”

List of Organisations providing Nominees to the Chilterns AONB Conservation Board

The Chilterns Conservation Board has 27 board members, all drawn from local communities:

- Buckinghamshire, Hertfordshire and Oxfordshire County Councils
- Central Bedfordshire and Luton Borough Councils (unitary authorities)
- Aylesbury Vale, Chiltern, North Hertfordshire, South Buckinghamshire, South Oxfordshire, Three Rivers and Wycombe District Councils
- Dacorum Borough Council
- The Central Bedfordshire, Buckinghamshire, Hertfordshire and Oxfordshire Parish Councils (6 elected in total), and
- DEFRA (8 in total).